

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JOHNATHAN HALL,

Defendant-Appellant.

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UNPUBLISHED

June 1, 2006

No. 260486

Wayne Circuit Court

LC No. 04-006431-01

Before: White, P.J., and Fitzgerald and Talbot, JJ.

MEMORANDUM.

Following a bench trial, defendant was convicted of assault with intent to do great bodily harm less than murder, MCL 750.84, possession of a firearm during the commission of a felony, MCL 750.227b, and armed robbery, MCL 750.529. Defendant appeals as of right, and we affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Victoria Beach testified that when she answered her door during the early morning hours of May 8, 2004, defendant, who is the father of her children, was there holding a gun, said, “step in, bitch,” and asked where her money was located. She claimed that he put the gun to her head when she denied having money, that they proceeded to walk down the hallway, that she pushed an alarm button, and that he fired a shot. Beach ducked and was shot through her hand, shattering her bone. Beach stated that defendant went in the bedroom and that when he returned, he stated, “bitch, I thought I killed you.” Beach testified that after defendant left, she noticed that her purse was gone, that her jewelry box was open, and that “all my stuff was just rammed through.”

First, defendant argues that Beach’s testimony was so unreliable that a rational trier of fact could not have found him guilty based on her testimony. We disagree. We review de novo a claim of insufficient evidence, but view the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could have found the defendant guilty beyond a reasonable doubt. We will not interfere with the jury’s role of determining the weight of evidence or the credibility of witnesses. *People v Fletcher*, 260 Mich App 531, 559, 561; 679 NW2d 127 (2004). Defendant’s argument is premised on having this Court reevaluate Beach’s testimony. However, this was the trial court’s role as the trier of fact. Moreover, the discrepancies between Beach’s testimony and that of other witnesses may have called Beach’s credibility into question, but did not render her testimony incredible. Beach’s testimony was sufficient to convict defendant of the charged offenses.

Next, defendant argues that trial counsel was ineffective in failing to call Belinda Hicks, who was allegedly in court and prepared to impugn Beach by testifying that defendant was home by 2:00 a.m. on the morning in question. Defendant represents that Hicks submitted an affidavit to this effect, but no such affidavit appears in the record. Our review is limited to the record, which must contain sufficient detail to support defendant's claim. *People v Barclay*, 208 Mich App 670, 672; 528 NW2d 842 (1995). This claim is not supported by the record. Moreover, decisions regarding what evidence to present and whether to call or question witnesses are presumed to be matters of trial strategy. *People v Rockey*, 237 Mich App 74, 76-77; 601 NW2d 887 (1999). We will not substitute our judgment for that of counsel regarding matters of trial strategy, and will not assess counsel's competence with the benefit of hindsight. *People v Matuszak*, 263 Mich App 42, 58; 687 NW2d 342 (2004).

Affirmed.

/s/ Helene N. White  
/s/ E. Thomas Fitzgerald  
/s/ Michael J. Talbot